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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/512,103

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Nikolaus Farber

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EXAMINER

FAHNERT, FRIEDRICH

ART UNIT

PAPER NUMBER

2614

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/512,103	Applicant(s) FARBER ET AL.	
	Examiner FRIEDRICH FAHNERT	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment overcomes the following objection/rejection:
 - a. Objection to claims 1-13, 18, 25-28.

Response to Arguments

2. Applicant's arguments filed July 17, 2009 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claims 1-5, 7-18, 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tseng et al. US 6172974, and further in view of Tso et al. US 6421733 B1**

Regarding claim 1, Tseng et al. teaches a method to perform the bypassing of a pair of transcoders one on the local side the other at the distant side of the

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communication network (column 5, line 62-67, column 6, line 1-5). Tseng does not address the version of the transcoder (or the bypassing protocol). However, Tso discloses that different transcoded version of the hypertext object, which may be retrieved or appended to by one of transcode service providers (col. 5, lines 24-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add in the invention of Tseng the limitations as explicitly describe by Tso et al., in order to provide a version of the transcoder.

Consider claim 2, Tseng and Tso discloses all the limitations of claim 1, and also teaches a method that provides cross transcoding (column 5, line 62-67).

Consider claim 3, Tseng and Tso discloses all the limitations of claim 1, and also teaches a method to determine if the distant side is able to support other encoding formats compatible with the local side of the network (column 6, lines 6-28, Table 1).

Consider claim 4, Tseng et al. discloses all the limitations of claim 3, and also teaches a method based on signaling scheme to change the encoding format on the basis of alternative encoding (column 8, lines 43-45).

Consider claim 5, Tseng et al. discloses all the limitations of claim 1, and also shows the encoding capabilities and list of supported formats (Table 1).

Consider claim 7, Tseng et al. discloses all the limitations of claim 1, and also teaches steps for changing the encoding format (Figure 3)

Consider claim 8, Tseng et al. discloses all the limitations of claim 4, and also teaches a method to achieve tandem free operation, providing transcoding when

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required, and providing conventional tandem vocoding when vocoder of the terminal elements are incompatible (column 5, line 63-67).

Consider claim 18, Tseng discloses all the limitations of claim 1, and also teaches a “signaling algorithm to achieve TFO across a communication network” (column 5, line 44-50).

Consider claim 20, Tseng et al. teaches an apparatus for processing signals in context with the initiation of a bypass of a pair of transcoders located on either side of the communication network (column 2, line 51-65). Tseng does not address the version of the transcoder (or the bypassing protocol). However, Tso discloses that different transcoded version of the hypertext object, may be retrieved or appended to by one of transcode service providers (col. 5, lines 24-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add in the invention of Tseng the limitations as explicitly describe by Tso et al., in order to provide a version of the transcoder.

Claims 9, 11, 12, 13, 14, rejected in view of Claim 1, do not add more than what Claim 1 has recited from which the claims depend on.

Consider claim 10, Tseng discloses all the limitations of claim 1, and also teaches the encoding capabilities of the distance side using a frequency table (column 7, lines 37-58, Table 1).

Consider claim 15, 16, 17, Tseng discloses all the limitations of claims 1 and 14, and also teaches a method to achieve TFO by providing cross transcoding when the

transcoders of the particular terminal or network are not identical, and providing transcoding when the transcoders are identical (column 5, line 63-67).

Consider claim 21, 22, 23, Tseng and Tso discloses all the limitations of claim 20, and Tseng et al. also teaches a transcoding device, components for evaluating local and distance encoding information, and a transcoding control (Fig. 4).

Regarding Claim 24, Tseng and Tso disclose all the limitations of claim 23. Tseng also teaches a communications system wherein the controller is included in a BSC (see Fig. 1, items 14A and 14B).

Regarding claim 25, Tseng et al. teaches a message flow sequence in order to initiate and perform the bypass of a pair of transcoders located at either side of the communication network (Figure 2, column 6, line 6-12). Tseng does not address the version of the transcoder (or the bypassing protocol). However, Tso discloses that different transcoded version of the hypertext object, which may be retrieved or appended to by one of transcode service providers (col. 5, lines 24-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add in the invention of Tseng the limitations as explicitly describe by Tso et al., in order to provide a version of the transcoder.

Regarding claim 26, Tseng teaches all the limitations of claim 25, and also teaches encoding capabilities as shown in Table 1.

Claims 27, 28, rejected in view of Claim 25, do not add more than what claim 25 has recited.

Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Tseng and Tso, and further in view of Shaffer et al. (US 6324409).

The rejection of claim 1 is incorporated herein. Tseng and Tso do not address the limitations of claim 6, but Shaffer et al. teaches a method to optimize voice quality by determining a minimum number of new of transcodings and also determines an optimized series of transcoders to be used for the call (column 2, line 63-67).

Therefore, the combined teachings of Tseng, Tso and Shaffer as a whole would have rendered obvious determining the optimal encoding configuration based on compatible encoding formats.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRIEDRICH FAHNERT whose telephone number is (571)270-7797. The examiner can normally be reached on Monday through Thursday 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/FRIEDRICH FAHNERT/
Examiner, Art Unit 2614

/Vivian Chin/

Supervisory Patent Examiner, Art Unit 2614